

DEBUNKING THE NOTION THAT ENFORCEMENT OF THE MAXIMUM SPEED LAWS CAN EVER BE “REVENUE RAISING”

- **Enforcing of maximum speed laws which were enacted by the General Assembly to protect the public cannot be considered “revenue raising.”**

The General Assembly of Pennsylvania has enacted maximum speed laws to protect the public and police officers are charged with enforcing those laws consistently and indiscriminately. Section 3362 of the Vehicle Code reads:

Except when a special hazard exists that requires lower speed ...**the limits specified in this section or established under this subchapter shall be maximum lawful speeds and *no person shall drive a vehicle at a speed in excess of the following maximum limits...***

When police officers enforce the maximum lawful speeds, their enforcement cannot be considered “revenue raising,” just as ticketing illegally parked vehicles is not regarded as “revenue raising.” *The general public wants to be protected from speeding motorists who threaten the safety of their neighborhoods, commercial areas, and roadways.* Only lawbreakers and those who would seek to break the law would ever characterize enforcement of the maximum lawful speeds as “revenue raising.”

- **Legislative bodies such as borough, city, and township councils, commissioners, and supervisors, not police officers, raise revenues. It is illegal for any legislative body to *even suggest* that their police officers enforce the maximum speed laws for the purpose of raising revenues.**

The legislative branch of government is responsible for raising revenue, not the executive branch of government, of which police officers are a part. In Pennsylvania, it is illegal for any legislative body to *even suggest* that its police officers enforce the maximum speed laws for the purpose of raising revenues. The law reads as follows:

No political subdivision or agency of the Commonwealth shall have the power or authority to order, mandate, require or in any other manner, directly or indirectly, *suggest* to any police officer, ... or any other officer employed by such political subdivision or agency of the Commonwealth that said police officer, ... or any other officer shall issue a certain number of traffic citations, tickets or any other type of citation on any daily, weekly, monthly, quarterly or yearly basis. *71 P.S. §2001*

Any tickets or citations issued in violation of this act shall be unenforceable, null and void. *71 P.S. §2002*

- **Even if it were legal in Pennsylvania to enforce the maximum speed laws for the purpose of raising revenue, the revenue received will almost always be exceeded by the cost of enforcement.**

Every speeding citation has five cost components: (a) penalty; (b) surcharge; (c) fees split between the Emergency Medical Services Operating Fund and the Catastrophic Medical and Rehabilitation Fund; (d) fees split between the Judicial Computer System Restricted Receipt Account and the Access to Justice Account; and (e) court costs. When a police officer issues a citation, the municipality will *only receive* one-half of the penalty (\$35.00 plus \$2 per mile in excess of five miles per hour over the maximum speed limit). For example, from a citation of \$158.50, Commonwealth agencies receive \$92.50, the Courts receive \$38.50, and the municipality receives \$27.50.

The United States Bureau of Labor Statistics (BLS) reported in May 2014 that the median hourly rate of a police officer in Pennsylvania was \$28.92. Using the percentage of total benefits to total compensation reported by BLS for “State and local government workers” in December 2015, the hourly cost of benefits for police officers is estimated to be \$21.03. Thus the total median hourly cost of a Pennsylvania police officer is estimated to be \$49.95.

With a median hourly cost of \$49.95 for one officer and \$99.90 for two officers enforcing the maximum speed limits in a municipality, it is virtually impossible to write sufficient citations at a municipal value of \$27.50, more or less, to exceed the cost of enforcement. Mitigating against any revenue excesses are at least three factors. Firstly, enforcement of the maximum speed limits deters speeding by other motorists thereby reducing the potential citations issued in a given time period and the amount by which the speed limits are exceeded. Secondly, most municipal police departments in Pennsylvania do not have a dedicated traffic unit; therefore if there is a traffic accident or crime in the municipality, enforcement of the maximum speed laws may need to be curtailed while the police officer works on that assignment. Thirdly, the faster a motorist is travelling, the higher the cost of the citation and the more likely it is that the motorist will appeal, requiring court time for the police officer, causing any revenue excesses to disappear.